

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JPMORGAN CHASE BANK, N.A., in its	)	
capacity as agent for Associated Bank, N.A.,	)	
Bank of America, N.A., JPMorgan Chase	)	
Bank, N.A., Fifth Third Bank, M&I Marshall	)	
& Ilsley Bank, and Union Bank of California,	)	
N.A.,	)	Case No. 1:09-CV-03720
	)	
Plaintiff,	)	Honorable Ronald A. Guzman
	)	
v.	)	
	)	
FBOP CORPORATION, a bank holding	)	
company organized under the laws of the State	)	
of Illinois,	)	
	)	
Defendant.	)	

**DEFENDANT FBOP'S MOTION FOR LEAVE TO FILE  
LIMITED SURREPLY INSTANTER TO PLAINTIFFS' REPLY BRIEF**

Defendant FBOP moves for leave to file the attached Limited Surreply *instante* to plaintiffs' Reply Brief in Support of Its Motion for Leave to Dismiss Count II or, in the Alternative, for Leave to File an Amended Complaint. In support, FBOP states:

1. On August 12, 2009, plaintiffs filed their Reply Brief, citing for the first time in connection with their Motion to Dismiss Count II authority purporting to authorize to this Court to grant that motion notwithstanding its lack of subject matter jurisdiction.
2. One of the cases cited by plaintiffs runs contrary to the established law of the Seventh Circuit and has effectively been overruled by the United States Supreme Court.
3. Plaintiffs' Reply brief also mischaracterizes FBOP's argument with regard to the jurisdictional issues.

4. FBOP requests that it be given leave instanter to file a limited surreply, a copy of which is attached as Exhibit 1, to correct plaintiffs' misstatements of the law and mischaracterizations of FBOP's argument.

5. FBOP believes that it will be prejudiced unless it is allowed to respond to the misstatements in plaintiffs' reply brief.

WHEREFORE, Defendant FBOP Corporation respectfully requests leave to file the attached surreply instanter.

Respectfully submitted,

Dated: August 17, 2009

**FBOP CORPORATION**

By: /s/David J. Bradford  
One of Its Attorneys

David J. Bradford  
Ross B. Bricker  
Ryan K. Harding  
Spiridoula Mavrothalasitis  
J. Andrew Hirth  
JENNER & BLOCK LLP  
330 N. Wabash Avenue  
Chicago, Illinois 60611  
Tel: (312) 222-9350  
Fax: (312) 527-0484

Email: [dbradford@jenner.com](mailto:dbradford@jenner.com)  
[rbricker@jenner.com](mailto:rbricker@jenner.com)  
[rharding@jenner.com](mailto:rharding@jenner.com)  
[smavrothalasitis@jenner.com](mailto:smavrothalasitis@jenner.com)  
[ahirth@jenner.com](mailto:ahirth@jenner.com)